



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|-------------------------|------------------|
| 10/055,319 | 01/23/2002 | Robert P. Scheurer | 7392/US/NP | 8011 |
| 7590 | 06/14/2004 | | EXAMINER KIM, AHSHIK | |
| John S. Beulick Armstrong Teasdale LLP Suite 2600 One Metropolitan Sq. St. Louis, MO 63102 | | | ART UNIT | PAPER NUMBER |
| | | | 2876 | |
| DATE MAILED: 06/14/2004 | | | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|--|--|
| Office Action Summary | Applicati n No. 10/055,319 | Applicant(s) SCHEURER, ROBERT P. | |
| | Examiner Ahshik Kim | Art Unit 2876 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 3/5/04,8/22/03 (Response).
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 September 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status Inquiry

1. Receipt is acknowledged of the status inquiry filed on March 5, 2004.

Response

2. Receipt is acknowledged of the response filed on August 22, 2003. In the response Applicant, on various grounds, essentially argued and traversed all rejections made in previous Office Actions. Currently, claims 1-43 remain for examination.

Claim Objections

3. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

There are two claims numbered 25. Misnumbered claims 25 (second occurrence) – 43 have been renumbered 26-44. Applicant is respectfully suggested to apply care in numbering the claims and their dependencies.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 2876

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-3, 6-9, and 27 are rejected under 35 U.S.C. 102(e) as being anticipated by

Campbell et al. (US 6,208,974, hereinafter “Campbell”).

Re claims 1, 6, 8, and 27, Campbell teaches a wellness system comprising a plurality of computers (see figure 2) which include various peripherals such as mouse, microphone, a scanner, speakers and a printer (col. 5, lines 17-34; col. 7, lines 48-57). The software can be used in many embodiments, including a veterinary hospital (col. 5, lines 35+). As shown in figure 2, the software has many functionalities such as billing, diagnosis, and inventory control on pharmaceuticals and medical supplies (col. 5, lines 66 – col. 3, lines 28).

Re claims 2-3, the product whose information can be accessed via the system can be considered standard or non-standard items. Users are initially required to log in the system (col. 6, lines 54+). Users are given a particular access rights so that they are allowed to access information they are permitted to.

Re claim 7, the printer is capable of printing labels (col. 8, lines 56-64).

Re claim 9, the lab computer, which is one of the nodes, checks whether lab test has been ordered (col. 8, lines 30+).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2876

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 4-5, 10-25, and 28-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Campbell et al. (US 6,208,974) in view of Call (US 6,418,441, hereinafter "Call").

The teachings of Campbell have been discussed above. Campbell, however, fails to specifically teach or fairly suggest that the scanner is a hand-held bar code scanner.

Call teaches an inventory control system (see abstract; col. 2, lines 30+) wherein hand-held scanners are used (col. 12, lines 39-49). Call further discloses that the inventory system alerts the users when quantity of an item falls below threshold (col. 29, lines 61 – col. 30, line 14).

In view of Calls' teaching, it would have been obvious to an ordinary skill in the art at the time the invention was made to employ well-known hand-held scanner to the teachings of Campbell in order to provide users with mobility when they use the system. Hand-held scanners are notoriously old and widely used in various embodiments such as retailers or supermarkets where the users move around the facilities while performing desired tasks. Use of threshold is also well known in inventory control system. Such features are used to alert the purchasing agent or manager so that the supply of an item can be arranged without running out of them.

Re claims 10-25 and 28-44, Call patent provides comprehensive inventory control software features. Throughout the patent, Call discloses all aspect of the software: pricing, ordering, returning etc., (see entire document).

Art Unit: 2876

Response to Remarks

8. Applicant's remarks filed on August 22, 2003 have been carefully considered. Receipt of status inquiry is also acknowledged as indicated above. This Office Action, responding to Applicants' response, is made non-final.

5

Conclusion

I. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Bebiak et al. (US 6,576,280); Janes et al. (US 6,642,946); Goetz (US 6,397,190) disclose veterinary system or computer system used in veterinary embodiments. Applicant is respectfully suggested to carefully review these references.

10

II. Any inquiry concerning this communication or earlier communications from the examiner should be directed to *Ahshik Kim* whose telephone number is (571)272-2393. The examiner can normally be reached between the hours of 6:00AM to 3:00PM Monday thru Friday.

15

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee, can be reached on (571)272-2398. The fax number directly to the Examiner is (571)273-2393. The fax phone number for this Group is (703)872-9306.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [ahshik.kim@uspto.gov].

20

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

25

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.

30



Ahshik Kim
Patent Examiner
Art Unit 2876

35

June 8, 2004